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L.J. LOHEIT, TRUSTEE
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UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

IN RE:) Case No: 10-25835-E-13L
) DCN: BH-2
)
CARLOS GABRIEL MATOS,) TRUSTEE'S OBJECTION TO DEBTOR(S)
) MOTION TO CONFIRM
)
) DATE: SEPTEMBER 7, 2010
) TIME: 2:00 P.M.
) JUDGE: SARGIS

Debtor(s)) COURTROOM: 33

LAWRENCE J. LOHEIT, TRUSTEE, objects to confirmation of the Debtor(s) plan and does not recommend its confirmation.

The Trustee objects to confirmation as:

1. Debtor is not in compliance with the Guidelines for the Preparation of Documents. Debtors Motion is defective in that no separate Notice of Hearing, Motion to Confirm Plan and Declaration by Debtors has been individually filed as required by Local Rules.

2. Debtor has failed to file a Declaration in support of the Motion to Confirm Plan setting forth all requirements under 11 U.S.C. §1325(a).

3. Debtor's plan fails to provide for the second trust deed on Debtor's residence to Washington Mutual.

4. Debtor has failed to file a Motion to Value the second trust deed on Debtors residence.

5. Debtor has failed to file Rights and Responsibilities of Chapter 13 Debtors and their Attorneys.

6. Debtors Amended plan proposes payments of \$100.00 for 4 months, then \$4,345.00 for 20 months, then \$4,700.00 for 36 months. Debtors plan does not provide any explanation of the source of the \$355.00 step increase in the 25th month. Debtor also offers no explanation why the payments for the first four months are only \$100.00. Debtors Schedule J indicates net income of \$4,505.40.

7. Due to the \$100.00 step payment for the first four months, Debtors ongoing mortgage payment to Chase Home Finance is three months delinquent. Where the case was filed March 10, 2010, four mortgage payments have come due to the creditor. The Trustee has made only one payment of \$3,128.83 to this creditor on June 30, 2010.

WHEREFORE, the movant prays that the Court enter an order denying confirmation of the Debtors(s) plan, and an order dismissing the case if a new plan is not filed within a reasonable time.

Dated: AUGUST 24, 2010

/s/ Neil Enmark
NEIL ENMARK, Attorney for Trustee